
POLITICS OF SRI LANKA IN 2007 – TRAJECTORIES OF CONFLICT ESCALATION

Jayadeva Uyangoda

Introduction

Sri Lanka's political developments in the year 2007 have primarily been centered on the escalation of the 'undeclared' war between the government and the Liberation Tigers of Tamil Eelam (LTTE). The resumption of war has made the negotiation option largely irrelevant to the immediate agenda of both the government and the LTTE, although both sides had used the rhetoric of a political solution amidst a commitment to a military solution. In 2007 it is language of war and hostility, rather than the language of peace and reconciliation, that dominated news headlines and public debates in Sri Lanka.

During the past few years, a particular puzzle has characterized the developments in relation to Sri Lanka's ethnic conflict process: relapsing to civil war has been much easier for both the government and the LTTE than sustaining political engagement. It almost appeared that the parties were utterly exhausted by the kind of peace that the UNF-LTTE political engagement had produced in 2002-2003 through a ceasefire agreement, negotiations and international facilitation. Against this backdrop, events in the year 2007 have highlighted the relative ease with which Sri Lanka further entangled itself in what one may call the 'war trap' while drawing attention to the difficulties in exploring a political settlement in a new context of re-militarization. In exploring this twin process, this paper will discuss the following themes: (i) resumption of war between the Sri Lankan government and the LTTE, (ii) human rights and humanitarian issues linked to war escalation, (iii) the international dimension in both peace and conflict processes, (iv) the question of a 'political solution,' (v) issues of governance, (vi) intra-party and interparty conflicts, and (vi) the pace and war traps that define the new dynamics of the conflict.

Resumption of War

The resumption of war actually occurred in 2006 in the aftermath of the breakdown of talks between the new

Mahinda Rajapaksa administration and the LTTE. President Rajapaksa, who was elected to office in November 2005 with the backing of Sinhalese nationalist parties, attempted to revive talks with the LTTE in his first few months in office.¹ Two rounds of talks held in Geneva in early 2006 did not produce any major outcome in breaking the peace deadlock, because by this time the peace process initiated in 2002 with international backing and Norwegian facilitation had exhausted all its energy. Moreover, there was no political commitment on the part of either the government or the LTTE to give the negotiation process another chance to succeed, because each side had come to the conclusion that war was the best option to further its own interests.

One peculiar feature of the war resumption was that both the government and the LTTE had formally remained signatories to the Cease-Fire Agreement (CFA) of 2002. This CFA was signed by the LTTE and the then Sri Lankan government of the United National Front (UNF) in February 2002 as a prelude to peace negotiations. Brokered by the Norwegian peace facilitators, the functioning of the CFA was monitored by a Scandinavian monitoring team, the Sri Lanka Monitoring Mission (SLMM). One key clause in the CFA made it necessary for either party to formally withdraw from the CFA only after giving two-weeks notice of such withdrawal.ⁱⁱ For reasons of avoiding international blame, neither the new Sri Lankan government nor the LTTE formally abrogated the CFA despite the resumption of hostilities in mid-2006 in a fairly large scale. This explains the 'undeclared' nature of Sri Lanka's ethnic war in 2006 and 2007.

The developments in Sri Lanka's war since the middle part of 2006 offer rich material for analysis of intra-state civil war. The challenge in Sri Lanka from 2002 to mid 2004 was the transition from civil war to stable peace, making the best of an existing framework of limited peace. In 2006-2007, the task changed dramatically to a transition to the resumption and escalation of war. The 'peace' established through the ceasefire as well as subsequent negotiations had not produced a settlement agreement as such. It was a peace of a limited kind, the transition of which into sustainable and

comprehensive peace required a credible peace agreement acceptable not only to the government and the LTTE, but also to a host of other actors in the conflict, both direct and indirect. The six rounds of negotiations between the UNF government and the LTTE in 2002 had produced a vague commitment for them to explore a federal solution, but when the idea of a solution had to be worked out in concrete detail, the entire exercise of political engagement ran into a crisis in 2003.ⁱⁱⁱ

In public debates as well as intense controversies and political disputes on the peace process as it unfolded in 2002 and after, negotiated peace became a less and less attractive option. Among key reasons were the failure of negotiations to produce a comprehensive peace agreement, lack of consensus among major political parties about the path to and content of a peace agreement, the absence of a clear economic dividend of peace as promised by the UNF government, the assertion of Sinhalese nationalist opposition to the peace process, and the gradual erosion of the public confidence in the particular peace process initiated by the UNF government and the LTTE. The dismissal of the UNF government in December 2003 by President Chandrika Kumaratunga and the electoral defeat of the UNF in April 2004 further contributed to the political context that was not conducive to carry the 2002 peace initiative forward. In fact, when President Rajapaksa assumed office in November 2005, the peace process had reached a point of extreme crisis. Even the complex humanitarian disaster of December 2004 had failed to provide any new incentive for re-working the process of political engagement for negotiated peace. The two rounds of talks held in Geneva in February and March 2006 between the Rajapaksa government and the LTTE did not produce any significant outcome to rescue the peace process that was in deep trouble due to continuing violations of the CFA. The acrimonious ending of the second round of Geneva talks in March 2006 demonstrated that retrieving the 2002 peace initiative was not on the immediate agenda of either party. Thus, the developments in 2004 to 2006 had merely marked Sri Lanka's inevitable relapse to full-scale civil war.

The Rajapaksa administration seems to have accepted the challenge of being locked into another protracted and intense phase of war with two outcomes in mind. Either the LTTE would be military defeated and totally destroyed as a fighting force, or decisively weakened so that it would no longer be a threat to the Sri Lankan state in any significant way. In the thinking of the government, either of these two outcomes would create conditions for a 'political solution' without the LTTE. The thinking of the Rajapaksa government seems to

be that the LTTE is the primary obstacle to peace and the removal of that obstacle by military means, despite the heavy cost such a course of action would entail, is of paramount importance. Thus, the present government has chosen the option of a full-scale military offensive. As long as the CFA was in force, the government's public posture was that its military campaign was a mere defensive response to LTTE aggression. Once the government withdrew from the CFA, such a defensive posture would no longer be necessary. Meanwhile, the military establishment of the government has begun to express confidence that by the end of 2008 the war will end with the 'extinction of Tigers,' meaning that the LTTE would be defeated on the battle front.

The sections of the government that have conceptualized and begun to execute the present phase of war appear to believe that in the past the Sri Lankan armed forces could have won the war against the LTTE, but were prevented from doing so not by military factors, but by extra-military, or political, factors. Among them are (i) interference in the strategy and execution of war by politicians, (ii) the pressure from the internationals to move away from a military solution, and (iii) the concerns for human rights and humanitarian consequences. Meanwhile, the Rajapaksa regime, quite in contrast with the previous Sri Lankan regimes, seems to have given a great deal of autonomy to the Ministry of Defence and the military establishment in the planning, strategizing and the execution of the war against the LTTE. The fact that the president's own younger brother, an ex-colonel in the military, has been appointed as the Secretary of the Ministry of Defence, while the president himself is the Minister of Defence, has also contributed to this 'relative autonomy' gained by the military establishment in the conduct of the present war. This new development stands in contrast to the experience of previous governments which maintained the traditional practice of strict political control of the military. In fact, the Rajapaksa administration seems to be responding to a critique that emerged within the military as well as the Sinhalese nationalist and journalistic circles about the undesirability of political control of the military. A pervasive belief among the Sinhalese nationalist forces has been the view that politicians should not interfere with the war against the LTTE and that the military establishment, in effect, should be given a free hand in all aspects of the war. In this argument, politicians have allowed themselves to be subjected to pressures from domestic and international lobbies and interfered with the military's war efforts. The nationalist media has often made the point that in the past the war had been conducted to suit political agendas and political timetables of government leaders and not in accordance with

professional military advise. The present Rajapaksa regime seems to be the first government in Sri Lanka to insulate the military from political pressure in the conduct of the war. The broader political consequences of this policy shift are yet to be seen.

The LTTE on the other hand appears to be ready for a protracted war too. The LTTE's war commitment seems to emanate from a different framework of strategic calculus. This thinking may be summarized as follows: A long drawn out war would create grave humanitarian and human rights problems for the government, isolating the regime from the international community. An intense war that escalates the cost of war and spreads violence would seriously damage the economy, eroding the support base of the regime and weakening the capacity of the economy to fund the war. A war that damages the economy while producing serious human rights issues, weakening the rule of law and the democratic process, would also sharpen the contradictions in the Southern polity.

Eventually, such a scenario will make the war unsustainable for the government and that will open strategic opportunities for the LTTE to secure battleground victories leading to a new equilibrium. This thinking is also governed by a particular strategic calculation that the LTTE appears to have made. Unlike the government, the LTTE does not seem to aim at a military victory. The LTTE perhaps knows that a military victory over the Sri Lankan state is not possible, in view of both the superior military strength of the state and the configuration of regional and international forces in favour of the state. Therefore, the LTTE's military-strategic aim seems to focus on preventing the Sri Lankan state from obtaining a military victory, eventually leading to a military and political stalemate. In the LTTE's thinking, the new strategic stalemate would also create new conditions for the international community to intervene in Sri Lanka's conflict. The LTTE seems to envisage that the international intervention in such a scenario would be a prelude to acknowledging a new political reality as well.^{iv}

The war in the Eastern Province during late 2006 to a great extent demonstrated the working of these competing strategic calculations of both sides. The government, using the forces of the LTTE's breakaway Karuna faction, sought to dislodge the LTTE from the province through a series of conventional battles. The LTTE, facing superior firepower of the state decided to withdraw. This was similar to what the LTTE did in the Jaffna peninsula in December 1995. Faced with a massive conventional offensive by the state, the LTTE

withdrew all its fighters, cadres and military assets to the Vanni jungles without resisting the advancing army. In 1995 the LTTE also evacuated several hundred thousand civilians to the Vanni, south of the Jaffna peninsula. In 2007 the LTTE resisted the military onslaught for a while and then retreated to the North, without sacrificing much of the men and war material which were of course scarce resources. The government, claiming to have 'liberated' the Eastern Province from the LTTE, has launched massive development programmes in the Province with international assistance. The government seems to be quite keen to project the Eastern Province as a model in which 'terrorism' has been militarily defeated and that getting rid of LTTE by military means is the most essential pre-requisite for democracy and development in the region. But skeptics contest the government's triumphalist claims in the Eastern Province. As media reports indicate, the LTTE activities continue in the province and the eventual re-entry of the LTTE can no way be ruled out. A more serious issue is the continuing presence in the province of the armed wing of the Karuna faction, known as the Tamil Makkal Viduthalai Puligal (TMVP), with its practices of abductions, killings, extortion, child recruitment and terror. In the year 2007, the Karuna faction also split, leading to violent clashes between the two groups. The breakaway group is led by Pillayan, Karuna's former deputy in Batticaloa district. While Karuna, whose real name is Vinayagamoorthi Muralitharan, has fled to England, Pillayan is consolidating his power as the new regional war lord in the province. The government policy seems to be one of indifference to the reported atrocities against Tamil civilians by the cadres of the Karuna and Pillayan factions. There are now reports to suggest that the recently initiated development activities in the province have been severely affected by the new conditions of insecurity and political uncertainty in the East. When the government armed forces launch their much-awaited offensive into the LTTE-held areas in the Northern Province in mid-2008, the Eastern Province is likely to run the risk of being turned into another battle front.

War, Human Rights and Humanitarian Issues

A major consequence of the war resumption has been its exceedingly negative impact on Sri Lanka's human rights and humanitarian conditions. In the previous phases of the war too, military actions by both the government armed forces and the LTTE had led to grave violations of human rights and serious humanitarian issues. This had generated much international concern as well. The main aspects of the recurring and cyclical humanitarian crisis were the large-

scale displacement of civilians, and the destruction of communities and their livelihoods in the areas where the war is concentrated. In response to international concerns and the pressure from local and international human rights groups, governments in the past had taken steps to minimize both human rights and humanitarian consequences of the war. After the mid-1980s, improvement of human rights conditions had also been linked to aid conditionality, along with democratization and good governance. The strategy of the present government on these issues seems to be at variance with the policies of previous ones. The Rajapaksa administration seems to be willing to disregard both international and local concerns on human rights and humanitarian issues on the argument that paying heed to such external concerns would 'weaken the morale of the troops' and be in the service of the LTTE. The government has also justified this position on the argument that winning the 'war against terrorism' should take priority and precedence over human rights and political concerns for which there is interest only in the UN and the Western countries.

As highlighted in the reports by the International Crisis Group (ICG) as well as Human Rights Watch, Amnesty International and Asian Human Rights Commission, the human rights and humanitarian issues were highlighted in the government's offensive against the LTTE in the Eastern Province in late 2006 and early 2007. In this offensive, large numbers of Tamil and Muslim civilians, who were living in the areas controlled by the LTTE in the Batticaloa and Trincomallee districts, were displaced. There were also reports of many atrocities against civilians that included abductions and extra-judicial killings. The ICG, in its report on the human rights situation in Sri Lanka in the context of the escalating war since 2006, noted that "more than 1,500 have been killed and more than 250,000 displaced since early 2006." Similarly, there have been "hundreds of extrajudicial killings" while "more than 1,000 people are still unaccounted for, presumed to be the victims of enforced disappearances." (ICG: 2007)

One shocking incident was the execution in August 2007 of 17 local aid workers belonging to Action Against Hunger, a French NGO, in Muttur in the Trincomallee district, a former stronghold of the LTTE. This massacre occurred when Sri Lankan army troops entered Muttur town which was being abandoned by the LTTE. This incident created a great deal of controversy bringing to sharp focus the question of responsibility as well as impunity in times of war intensification. While the government initially denied the culpability of the armed forces in this murder, the government spokesperson suggested that the LTTE may have been

involved in these killings. But the Sri Lanka Monitoring Mission, human rights groups and independent media pointed to the possible culpability of government soldiers. The gravity of this incident and the international attention it received eventually compelled the government to initiate a judicial inquiry by a Presidential Commission of inquiry under the supervision of an international monitoring team called the International Independent Group of Eminent Persons (IIGEP).^v The mandate of the Commission of Inquiry was to investigate 15 alleged incidents of violations including the Muttur killings of 4, August 2006 and the killing of 6 Tamil youth in Trincomallee on 2, January 2006. The inquiry process has been quite slow. This has led to a bitter debate between the agencies of the Sri Lankan government and the IIGEP. In an interim report issued on 18, December 2007, the IIGEP questioned the independence of the Commission of Inquiry as well as the usefulness of the role of IIGEP. The report alleged that the Commission of Inquiry process "fell short of international norms and standards" and that it "lacked transparency and independence, was ineffective with its witness protection measures" with "shortcomings in the investigations." (*Daily Mirror*, 19, December 2007).

One crucial component of the government's strategy for the success of its war against the LTTE—the 'war against terrorism' as the government prefers to call it—is to block the presence of resident UN human rights monitoring missions in Sri Lanka. The present Sri Lankan government, unlike previous ones, has been openly hostile to international scrutiny and criticism of the country's human rights situation. Visits by senior UN officials on human rights missions made in 2007 received both hostility and attacks by the government as well as its Sinhalese nationalist allies, the JVP and JHU. In these attacks, the government and its allies have put forward three arguments. In the first argument, international human rights monitoring is a part of a strategy to interfere with the national sovereignty of Sri Lanka by Western and colonial powers. In the second, blaming the government for human rights violations only helps the LTTE in its terrorist war against the Sri Lankan state. Third, the Western concern for alleged human rights violations by the armed forces is based on wrong reporting by partial and incompetent local human rights monitoring groups whose political sympathies are with the Tamil minority and the LTTE terrorists. Despite the obvious weakness of these arguments, the Sri Lankan government has succeeded in preventing any major UN initiative to open an office in Sri Lanka to monitor the human rights situation.

International Dimension

The way in which the international actors responded to Sri Lanka's relapse to civil war is a theme the examination of which helps us to understand the changing contexts and dynamics of the international dimension in Sri Lanka's conflict process. One defining aspect of the 2002-2003 peace process was that it had been built around "heavy international involvement," which was expected to "create the pre-conditions for peace negotiations" (Goodhand and Klem, 2005:88). The international involvement was in two specific areas, peace facilitation through political and diplomatic means and 'postconflict' economic development through economic assistance. The activities in the first area included facilitation of the CFA as well as direct negotiations through Norway, ceasefire monitoring through the SLMM and mobilizing international support for negotiations as well as for a possible settlement agreement. In the second area, the USA, Japan and the EU played a leading role in mobilizing bilateral and multilateral economic assistance for post-conflict development and rebuilding.

However, when the negotiation process reached a deadlock and the possibility of war resumption loomed large in 2004, the role of the international actors largely centred on the task of persuading the LTTE to return to negotiations. The Tsunami of December 2004 opened up another opportunity for the international community to advance the agenda of negotiations in Sri Lanka. International economic assistance for post-Tsunami rebuilding was the incentive offered to both the Sri Lankan government and the LTTE to return to talks so that a joint effort between the two parties for post-Tsunami recovery could provide a new framework for peace building. However, failure of the government to effectively move forward in institutionalizing the MoU signed with the LTTE for a joint post-Tsunami administrative mechanism brought these efforts to an end.

Meanwhile, the election of President Rajapaksa to office in November 2005 opened up another opportunity for the international actors to revive their engagement in Sri Lanka's stalled peace process. The two rounds of talks in Geneva held in the first quarter of 2006 also revived hopes of saving the fragile CFA from total breakdown. Although the two sides jointly agreed to honour the terms of the CFA in its full implementation, there was very little progress achieved. There was a major reason that constituted the backdrop for this failure of Geneva commitments. The LTTE by this time had suffered a major split, with its military commander in

the Eastern Province, Karuna Amman, leaving the movement along with his fighters and then joining with the government against the mainstream LTTE leadership. The LTTE viewed the 'full implementation of the CFA' as a tactical move to disarm the Karuna faction and regain the control of its military machine in the Eastern Province. On the other hand, the government saw no reason to fully implement the CFA, because it saw in the LTTE split as a rare and unprecedented opportunity to weaken the LTTE militarily and then push out of the Eastern Province. The continuing clashes between the mainstream LTTE and the Karuna faction, the latter openly backed by the armed forces of the Sri Lankan government, eventually led to the intensification of the 'undeclared war.'

These developments that constituted the context in which the war between the government and the LTTE escalated in 2007 demonstrated the limits of international engagement in the process of civil war management in Sri Lanka. In 2002, when the UNF government and the LTTE actively solicited the assistance of international actors to begin the ceasefire and negotiation process, both sides, from their individual perspectives, had seen the strategic advantage of internationalization of the new peace process. For the UNF government, the internationalization meant achieving a political as well as an economic objective. The political objective was to establish what came to be known as an 'international safety net' for the government's risky policy of entering into a ceasefire agreement with the militarily strong and secessionist LTTE and eventually signing of a settlement agreement. Its economic objective was to obtain international economic assistance to ensure that the peace initiative would bring about a rich peace dividend in the form of increased foreign investment, development aid and post-conflict reconstruction.

From the LTTE's perspective, the internationalization in 2002 had two primary objectives. The first was to obtain international legitimacy for its project of national self-determination in the post-9/11 global context. The second was similar to the UNF government's notion of an international safety net. It envisaged a role for the international actors to provide guarantees that the Sri Lankan government would abide by the CFA and decisions made at the negotiation table. What was quite noteworthy in the developments that occurred in and after 2003, and became clearer in 2007, was that both the Sri Lankan government and the LTTE sought to de-internationalize the peace process and then reduce the space for international actors on the new context of undeclared war.

It was the LTTE that took the first steps towards reducing the role of the international actors in the peace process in early 2003, alleging that the “excessive internationalization” of the peace process had led to a strategic imbalance in favour of the Sri Lankan government. (Balasingham: 2004) Once the LTTE suspended its participation in the negotiation process, it even resisted the massive economic incentives offered by international actors, notably Japan and the EU, to return to the negotiation table. The LTTE's strategic objective in 2003 was probably to resume political engagement with the government in a new context where the global state system had little or no role to influence the negotiation outcome.^{vi} Although the UNF government, which was dissolved in January 2004, stood for greater internationalization of the peace process, the new alliance that came to power at the parliamentary election of April 2004 shared the LTTE's perspective of de-internationalization but from a completely different standpoint.

In the policy of the newly established United People's Freedom Alliance – a coalition of Sinhalese nationalist parties led by the Sri Lanka Freedom Party (SLFP) internationalization of the peace process under the UNF government was seen as a wrong approach that jeopardized the national sovereignty of Sri Lanka, created space for undue external intervention in an essentially internal problem and allowed the LTTE to get unwarranted international legitimacy.

The steps towards de-internationalization of the conflict management process taken by the UPFA government as well as the LTTE in 2005 and 2006 eventually led to de-internationalization of the renewed conflict process as well. Sri Lanka saw the culmination as well as consequences of the de-internationalization of the renewed conflict in dramatic form in 2007. The de-internationalization of the conflict as occurred in 2005 and after indicated that both the government and the LTTE sought to redefine, and indeed minimize, the space and ability of international actors to influence their conflict behaviour. The government and the LTTE had their specific reasons to arrive at this perspective. In the thinking of the government, the new phase of war, the objective of which is to defeat the LTTE by means of an all out military campaign, would invariably result in human rights violations of Tamil civilians and even a serious humanitarian crisis. In the past and in such situations, the international community had come down hard on previous governments. The present Sri Lankan government's thinking is that when the past governments came under international pressure on human rights and humanitarian issues, the armed forces could not

continue to fight the war against the LTTE to its successful conclusion. Thus, as the government's thinking goes, insulating the government as well as the armed forces from international actors, notably the UN agencies, the Western governments and international NGOs, is a crucial prerequisite for the successful prosecution of what is viewed as the 'final' war against the LTTE. The LTTE's objective of relative isolation from the international community emanates from the assessment that the global state system was still backing the Sri Lankan nation-state at the expense of its own secessionist project. Thus, in the LTTE's present strategic thinking, the isolation of Sri Lanka's war from the international community is a strategic necessity until the military-ground situation favours direct intervention by the powerful global actors, possibly similar to the developments in Kosovo.

Meanwhile, there have been some subtle shifts in the UPFA government's foreign relations under President Rajapaksa since the war escalation began in 2006. These policy shifts became clearer in 2007. There were two major tendencies in this foreign policy shift. The first is the policy of looking beyond India as the government's major regional ally. The second is the shift away from the West and looking to the East – notably China and Japan – as the main sources of support, as a fall back strategy in case the relations with the West became severely strained. Reworking the relations with India began to take shape in mid-2006 when the Rajapakse administration failed to obtain direct military assistance from India in its envisaged war with the LTTE. In the aftermath of the breakdown of Geneva talks, President Rajapaksa visited New Delhi seeking closer military and defence cooperation. The Sri Lankan government expected India to sign a defence pact in order to formalize the military cooperation. But, the Indian government was reluctant to enter into a closer military alliance with Sri Lanka which would lead to a military solution to Sri Lanka's ethnic conflict. The Indian government insisted on a political solution. In the face of the Indian government's reluctance to be the key external partner in the envisaged war against the LTTE, the Sri Lankan government sought military assistance from Pakistan and China. In view of the traditional tension that had existed between India and its two major neighbours, this move by the Sri Lankan government had the element of a small state exploiting regional geopolitical realities. It appeared that while the India's enhanced military assistance to Sri Lanka was to be conditional on the Sri Lankan government's commitment to a political solution to the ethnic conflict that would address what the Indian leaders see as 'legitimate minority grievances,'

any military cooperation by China or Pakistan would be devoid of any such political conditionality.

The Colombo government's willingness even to take the risk of challenging the UN human rights and humanitarian agencies and resist the pressure from some key Western governments on human rights issues can only be understood in terms of the Rajapaksa regime's experiment in trying to reconfigure its global relations. When the Rajapaksa administration embarked on its undeclared war against the LTTE, the government leaders appeared to expect full backing of the Western governments to its own 'war against terrorism.' However, the Western backing to the war against LTTE came with human rights conditionality. This ran counter to the government's stand on the war against the LTTE, which assumed that concerns for human rights would blunt the effectiveness of the military campaign. Against this backdrop, the Sri Lankan government indicated closer economic cooperation with China and Japan and closer military cooperation with China, Pakistan and later Iran.

The Question of a 'Political Solution'

Amidst war escalation, the government continued its efforts towards searching for a political solution to the ethnic conflict, although with lukewarm enthusiasm and halfhearted commitment. The mechanism for the formulation of a political settlement was the All Party Representative Committee (APRC). This committee is composed of representatives from most of the political parties in parliament. Two notable absences in the Committee were the United National Party (UNP) and the Tamil National Alliance (TNA). The UNP, the main opposition party in parliament, decided to boycott the APRC proceedings in the context of political disagreements with the government, when President Rajapaksa engineered a split in the UNP despite a MoU signed by President Rajapaksa and the UNP leader in October 2006 to work together in finding solutions to urgent national issues, including the ethnic conflict. Meanwhile, the TNA was not present in the APRC process due to a government policy decision not to invite 'pro-LTTE' parties. The government considered the TNA as a front of the LTTE, although it was the biggest Tamil party in parliament.

The APRC process met many challenges and complexities throughout the years 2006 and 2007. The trouble for the APRC began when its Committee of Experts submitted an interim report in December 2006 proposing a political solution with enhanced province-based devolution. The essence of the interim proposals was to further strengthen

the existing system of power-sharing in Sri Lanka in order to address Tamil aspirations for regional autonomy. The president and the ruling party immediately dissociated themselves from the report. Sinhalese nationalist partners of the ruling coalition, the JVP and JHU, were particularly harsh in denouncing the proposal by the experts committee. Although this was a political setback to the APRC process, its proceedings continued throughout 2007 with little progress in terms of any concrete proposals.

The international community, notably the EU, the US and India, watched the APRC process in 2007 with both enthusiasm and anxiety. Their enthusiasm was rooted in the belief that the Rajapaksa administration, despite the LTTE's rejection of the negotiation option, would be ready to offer a credible political framework that would satisfy moderate Tamils. The claims made by the government in 2006 suggesting that President Rajapaksa favoured a solution along the Indian model of power-sharing had further encouraged the international community to believe that there was actually a willingness on the part of the government to break the political deadlock. The global and regional powers were also anticipating a valid political excuse to support the Rajapaksa regime's war against the LTTE on the premise that the Sinhalese leadership would treat the Tamils fairly in a post-LTTE dispensation. However, when SLFP, led by President Rajapakse, presented its proposals to the APRC in May 2007, it appeared that the main party of the ruling coalition was not in favour of a settlement framework based on any power-sharing arrangement with the minorities. As it became clear in 2007, the ideology and policy of the coalition regime led by President Rajapaksa was not in favour of sharing state power with ethnic minorities.

The SLFP report to the APRC essentially gave expression to this position. There were two key features in the SLFP proposals— recognition of the district, as opposed to the province, as the unit of administrative decentralization, and greater emphasis on local government. Reforming the power structure of the central government was not in the agenda. In fact, the idea of district-based devolution, which the SLFP proposals emphasized in 2007, had earlier been associated with the Sinhalese nationalist parties that were opposed to devolution and ethnicity-based power sharing. Similarly, strengthening of local government as a solution to minority grievances had also been a Sinhalese nationalist idea, based on the assumption that Tamil and Muslim grievances could best be addressed by means of decentralization of administration. The fact that the main party of the ruling coalition had put forward a minimalist framework for a

political solution indeed led to much unease among the international actors who backed the war against the LTTE with the hope that a credible political solution was actually being worked out by the government.

In an overall assessment of the possibilities of an actual political settlement to Sri Lanka's conflict, an informed observer can only make comments that may appear both negative and pessimistic. It may be the case that Sri Lanka has lost the momentum for a negotiated political solution. It is not yet clear how a new momentum can be built. The APRC process is certainly not capable of generating any new political momentum towards a constitutional settlement of the ethnic conflict, primarily because of the minimalist framework of solution it is likely to propose. In fact, as the events in 2007 amply demonstrated, the trajectory of a political settlement to Sri Lanka's conflict has reached a blind alley, because the two dominant visions of a solution emanating from the Sinhalese and Tamil polities are so far apart that a common ground between them is even inconceivable. The vision of a solution that is dominant in the Sinhalese polity at present proposes a minimalist framework of powersharing within a unitary state. Even for that option, the military defeat of the LTTE is an essential pre-condition. In other words, the official approach to a solution suggests a minimalist political reform package to be offered by the government to a post-LTTE Tamil polity. Meanwhile, the dominant vision of the Tamil polity, as being articulated by the LTTE, suggests either secession facilitated by a prolonged war, or regional autonomy in a confederal framework. These are obviously mutually exclusivist political visions that offer no possibility of compromise.

Meanwhile, the intense political debates on the nature of a political solution to the ethnic conflict have highlighted the sharp differences that continue to resurface in the Sri Lankan society on such key issues as the nature of the conflict and the nature of the postconflict state. Concerning the nature of the Sri Lankan conflict, the discourse of terrorism seems to have triumphed over the discourse of ethnic conflict. The Rajapaksa regime, ideologically backed by the Sinhalese nationalist JVP and JHU, defines the island's conflict primarily as a terrorist problem. In the early years of the ethnic war, particularly in the early and mid-1980s, the dominant and official understanding of the conflict, as articulated by the Sinhalese political class at the time, was that the Tamil ethnic insurgency was primarily a terrorist challenge levelled against the legal and legitimate state of Sri Lanka. This view changed after the mid-1980s primarily as a result of the Indian intervention in Sri Lanka's political

debates on the ethnic conflict. The Indo-Lanka Accord of July 1987, signed by the Indian prime minister and the Sri Lankan president, was the first official acknowledgement in Sri Lanka that the Tamil rebellion was a political problem that required a political solution through political reforms. All subsequent governments generally shared this perspective. During the People's Alliance regime (1994-2001) headed by President Chandrika Kumaratunga, and the UNF administration led by Prime Minister Ranil Wickremesinghe (2002-2003), the ethnic conflict discourse became the official discourse. The terrorism discourse still continued, but it was limited to small and extreme Sinhalese nationalist groups. This situation underwent a radical change in 2006-2007. Under the Rajapaksa administration, the terrorism discourse became official and dominant, and the ethnic conflict discourse lost political support.

Parallel to the re-emergence of the terrorism discourse has been the question of how to characterize the post-conflict state in Sri Lanka. Until about 2006, there was a consensus in Sri Lanka that the post-conflict state should be one in which state power is shared among majority and minority communities within a framework of devolution. In 2002-2003, the devolution discourse took a further step towards federalism. The Sinhalese nationalist forces in turn resisted the federalist discourse. In the context of the breakdown of negotiations between the UNF government and the LTTE in 2003 and then between the UPFA government and LTTE in 2006, the federalist vision of the post-conflict state took a severe beating. In his presidential election campaign in late 2005, President Rajapaksa, in alliance with the JVP and JHU, revived the unitary state vision through a new slogan, 'maximum devolution within a unitary framework.' Thus, since 2005, unitarism has been the official vision for Sri Lanka's post-conflict state. Quite interestingly, the UNP, which had been associated with the federal idea since 2002, decided to abandon its commitment to federalism on the argument that the party lost the electoral support in Sinhalese society in the 2004 and 2005 elections because of its association with federalism. Although this claim may be disputed, what remains significant is that no major political party at present seems to project a federalist vision for the post-conflict state in Sri Lanka.

Meanwhile, on the question of the impossibility of a compromise at present, one can say that Sri Lanka is in a 'scissors crisis.' (Uyangoda: 2007) The nature of this scissors crisis is that the two main protagonists to the conflict – the regime in Colombo and the LTTE – have crossed each other's

paths and are now travelling in two separate directions. It is hard to imagine how and when these two paths will intersect again.

Issues of Governance

The trends in governance, inter-party and inter-group relations, and institutional linkages of regular politics in Sri Lanka are also shaped by the turns and twists of the politics relating to the ethnic conflict. This constitutes what may be called the 'sub-plot' of the conflict process. In terms of governance and the phenomenology of state power, Sri Lanka continues to represent a unique co-existence of a duality. In the provinces and districts where the Sri Lankan state is present without facing the direct challenge of the Tamil secessionist insurgency, the state presence is accompanied by the presence of formal institutions and formal practices of democratic governance. In contrast, in areas where the civil war is concentrated, the Sri Lankan state is present primarily through its military and coercive apparatus.

A key factor that seems to have defined some of the major policy directions of the Rajapaksa regime in 2007 as well has been the crucial influence that the JVP and JHU continued to exercise. Both parties were constituents of the ruling UPFA alliance, but the JVP has been functioning independently without accepting any cabinet positions. The JHU in contrast is a member of the government. The continuing support of the JVP with 39 MPs is crucial for the survival of the Rajapaksa regime. The JVP's influence on the policy of the government is felt on two major areas, the ethnic conflict and economic policy. On the ethnic conflict, the JVP has been in the forefront of a campaign to abolish the ceasefire agreement, to sever links with the Norwegians and the Sri Lanka Monitoring Mission, and to initiate an all-out war against the LTTE. The JVP has also been objecting to the government's initial willingness to design a power-sharing formula as the basis for a constitutional settlement to the ethnic conflict. In the area of economic policy, the JVP has been objecting to further privatization, and advocating a policy framework of economic nationalism. The JHU's influence is primarily on the government policy on the ethnic conflict with some commitment to redistributive justice and social welfare. With only nine members in parliament, the JHU has been quietly shaping the 'war for peace' strategy as well as the Sinhalese-Buddhist orientation of the Rajapaksa administration. While the government has been preparing for war, the question of economic management of war escalation has emerged as a significant governance issue. The government has so far been able to politically manage

the economic and social consequences of rising war expenditure. Defence expenditure has been rising sharply in recent years, and the budgetary allocation for 2007 was 1.4 billion US dollars, which represented a 46% increase from the previous year. This was almost 24% of annual government income and 17% of annual government expenditure. This tendency of increasing defence expenditure has been a regular facet in Sri Lanka's economic life throughout the civil war. Some analysts even describe Sri Lanka as the "most militarised country in South Asia." (Balachandran: 2006)ⁱⁱⁱ Amidst this spiraling economic cost of war, interest rates, inflation and the cost of living have also been rising.

The continuous rise in fuel and food prices has been key to the rising cost of living throughout 2007 as well. Labour unions linked to the JVP have been agitating for wage increases. In 2007 the plantation unions got a marginal wage increase though strike action. The fact that trade unions are largely controlled by political parties linked to the ruling UPFA alliance has enabled the government to keep the labour front relatively peaceful. One strategy the government has resorted to with some success to manage public discontent against increasing economic hardships is to portray its military campaign against the LTTE as a goal worth sacrifices by the people. Relentless media campaigns by the government have been projecting its war against the LTTE as requiring patience and support of the people until the final victory is achieved before the end of 2008. The government seems to have succeeded at least for the moment to convince the people that there will be an economic and security dividend of war before long.

Increasing remilitarization of politics is a tendency that has continued apace in 2007. The relatively stable functioning of the CFA during the period of 2002-2005 had set a tendency towards mild demilitarization of politics in Sri Lanka. However, the resumption of hostilities between the government and the LTTE in 2006 and its subsequent intensification has seen the emergence of the Ministry of Defence and the military establishment as the key institutions of state power. The continuation of Emergency Regulations and the introduction in early 2007 of the prevention of terrorism legislation have contributed to this tendency in considerable measure. There have been a few incidents that exposed the ethnic insensitivity of the defence establishment in exercising its newly gained powers to maintain security. On two occasions in 2007, the military and police authorities in Colombo arrested large numbers of Tamil civilians. On the first occasion, the Defence Ministry was planning to

deport en masse to Vavuniya in the Northern Province nearly 3,000 Tamil civilians arrested in Colombo in one security swoop. On the second occasion, in December 2007, about 2,000 Tamil civilians were arrested and detained in a major security operation in Colombo. Due to a major public outcry and judicial intervention, the Defence authorities released most of these Tamil civilians. Yet, what became quite clear is that for the defence establishment arbitrary arrest of Tamil civilians on suspicion as potential terrorists is a legitimate national security measure. In this approach, the civil rights of ethnic minorities are secondary or even subservient to national security needs.

The year 2007 also saw the continuation of the tendency towards increasing concentration of political power in the hands of the president. Under the Rajapaksa administration, this process has taken a peculiar form in which the president heads a government with over one hundred ministers, deputy ministers and non-Cabinet ministers. In order to ensure a parliamentary majority to the ruling coalition, President Rajapaksa has given ministerial appointments to this large number of MPs. All opposition MPs who have joined the government have also been given ministerial portfolios as an inducement to cross over as well as a reward for supporting regime stability. What is still peculiar about this arrangement is that all the key ministries and departments are controlled by the president and his brothers, who are also either ministers or key government officials. Many of the ministers of this large ensemble have only insignificant departmental responsibility.

This has implications for governance in a number of ways. Firstly, the institution of the Cabinet has lost its public esteem. People associate the ministerial office with corruption and political opportunism. Secondly, presidential control of the legislature is now maintained by means of an elaborate system of patronage, with both rewards and punishment. One punishment is the removal of the security detail provided by the Defence Ministry at a time when assassination of politicians has become an almost regular feature. Thirdly, although the Cabinet has been expanding in numbers, it is no longer the institution that makes major public policy decisions. Such decisions are made by a small group headed by the president, and consisting of the president's three brothers—two of whom are ministers and the other the Defence Secretary—and a few ministers, officials and advisors. This indeed is a consolidation of a process that continued under previous president's as well. Sri Lanka's executive presidential system of government, political expediencies of civil war and imperatives of economic

liberalization have provided its broad context for policy—made by a very small caucus that hovers over the president.

Inter-Party and Intra-Party Politics

Although there were no dramatic changes in inter-party and intra-party politics in Sri Lanka in 2007, there were some developments worth noting. The split in the SLFP, the main party in the ruling UPF A coalition and headed by President Rajapaksa, added some excitement to an otherwise dull process of party politics. This split occurred in February 2007 when President Rajapaksa removed Mangala Samaraweera from the position of the Foreign Minister. Samaraweera has been a close associate of former President Chandrika Kumaratunga. He was one of the key campaigners for Rajapakse when he contested the presidential election in November 2005. Rajapaksa also sacked another minister, Sripathi Suriyarachchi, a close associate of Samaraweera. Two of them later formed a breakaway party called the Sri Lanka Freedom Party (Mahajana). The SLFP(M) has been closely aligned with the main opposition UNP in public campaigns against President Rajapaksa's regime. The UNP and SLFP(M) eventually formed a new political front called the National Congress.

The way in which serious differences between Rajapaksa and Samaraweera had developed leading to Samaraweera's sacking from the Cabinet is symptomatic of some of the dynamics of party politics in contemporary Sri Lanka. Sri Lanka's political parties, particularly the SLFP and the UNP, which are the two main parties, are exceedingly family centric. For example, the SLFP from its inception in 1951 has been led by members of the Bandaranaike family—father, mother and then daughter. When Mahinda Rajapaksa became the SLFP's presidential candidate and then the party leader, it marked a radical shift in the party leadership away from the monopoly held by the Bandaranaike family. Rajapaksa received the SLFP's candidacy for presidency in 2005 after a bitter power struggle with the then President Chandrika Kumaratunga, who is a Bandaranaike. After becoming the president, Rajapaksa brought in his own family members to the party as well as the government in order to secure his own position against possible threats from Bandaranaike loyalists. In this process of consolidation of his own personal power, Rajapaksa seems to have antagonized Samaraweera, who was a Bandaranaike loyalist as well as a stalwart in the SLFP's old guard. Interestingly, Samaraweera's campaign against Rajapaksa after the split focussed primarily on the alleged monopolization of power within the party as well as the government by President Rajapaksa and his brothers.

The intra-party rivalry of the SLFP thus led to an inter-party rivalry in 2007. It reached a highpoint in November-December 2007 when the Rajapaksa regime presented its annual budget proposals to parliament. The opposition UNP in association with the SLFP(M) made an attempt to defeat the government at the voting of the budget. With increasing dissatisfaction among ethnic minority parties within the ruling coalition and the dissent building up within the SLFP, there was some possibility of the plan of the UNP-SLFP(M) to succeed. However, President Rajapaksa managed to convince the JVP, which had voted against the Budget at the first reading, to change their tactics at the second reading. The abstention by the JVP with 39 MPs ensured the survival of the Rajapaksa government for another year.

From 'Peace Trap' to 'War Trap'

One of the recurring dimensions of Sri Lanka's protracted ethnic conflict has been the periodic swing from war trap to peace trap and then to war trap. The 'war trap' and the 'peace trap' have also been the connecting thread of the cycle of Sri Lanka's ethnic conflict. Sahadevan's (2006: 239) observation that peace negotiations have constituted an "integral part of the long-drawn life cycle" of Sri Lanka's ethnic conflict is quite apt. The 'peace trap' refers to brief periods of political engagement between the government and the LTTE that initially produces political space as well as huge expectations for ending civil war through a negotiated peace agreement, but soon leads to a deadlock and a crisis.

Parties then abandon political engagement in favour of the resumption of hostilities, violence and war. The metaphor of trap becomes vividly visible when the parties try to get out of the 'peace process' unilaterally and in great haste while other political forces too begin to behave in a manner which suggests that retuning to war is the most prudent and rational alternative despite the potentially high cost of that option. The 'war trap' refers to phases of intense war spread over relatively longer periods. Usually a war trap emerges following the failure of political engagement between the state and the rebels.

This phenomenon of war trap has had a few defining features built up over the years. First, after the failure of every peace process, both the government and the LTTE have returned to war with great enthusiasm and fervour as if the brief period of political engagement and relative peace had been an unmitigated disaster and the only path to recover the losses was all-out war. Second, the period of relative peace has been

seen by the government, the LTTE as well as other indirect parties to the conflict as a period of abnormality. Therefore, returning to war is a process of normalization. Third, parties see the war as the only path to ensure unilateral outcomes and benefits.

The parties to Sri Lanka's conflict have now moved out of the peace trap and are back in the war trap. It is difficult to assess the outcome of this phase of war, because the government as well as the LTTE appear to consider it as something akin to a 'final war.' Therefore, both sides will mobilize all their resources to impose a unilateral military outcome. What nevertheless has become clear is that in the year 2008, Sri Lanka's crisis is likely to deepen, with very serious political, economic and humanitarian consequences. The outcome of the present phase of war will thus be crucial in defining the future trajectories of Sri Lanka's conflict, including a limited space for reviving the track of political engagement.

Conclusion

As this study indicates, developments in Sri Lanka's politics in the year 2007 provide an immediate context for further escalation of the war between the government and the LTTE. To recapture the main trends, it has been a year during which the Rajapaksa administration consolidated its power. The year 2007 also saw further intensification of the undeclared war between the government and the LTTE, leading to battlefield defeats of the LTTE in the Eastern Province. The government eventually consolidated its military and administrative control of the entire province. The war in the Eastern Province led to serious human rights and humanitarian issues, but the government succeeded in politically managing the fallout of these developments by adopting a confrontationist approach to pressures from local and international human rights bodies. The successes in the battlefield also enabled the government to manage public discontent arising out of rising inflation and spiralling cost of living.

Against such a backdrop the government of Sri Lanka formally withdrew from the CFA on 2, January 2008. Following a cabinet decision made on that day, Sri Lanka's Foreign Minister informed the Norwegian government in writing that it would be withdrawing from the CFA with effect from 16, January 2008. Thus, the year 2008 began for Sri Lanka with a very clear message that the new year would bring the war to a decisive phase. The government and the military establishment are confident that before the end of

the year the war will reach a successful conclusion. The signs are that the LTTE has also been making preparations for a decisive showdown. While it is extremely difficult for independent observers to speculate with any degree of accuracy about the outcome of this decisive phase of the war, what one can say with some degree of confidence is that any opening for reviving the political engagement will depend on the outcome of the impending finale of the war.

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Endnotes

i. The main coalition allies of President Rajapaksa's UPFA alliance were the Janatha Vimukthi Peramuna (JVP) and Jathika Hela Urumaya (JHU). Both the JVP and JHU are Sinhalese nationalist parties. They were opposed to the CFA, negotiations with the LTTE and any political settlement including ethnicity-based powersharing. They were also the most vocal advocates of a military approach to the ethnic conflict, suggesting that the Sri Lankan state should defeat the LTTE in the battlefield before working out a political solution.

At the parliamentary elections held in April 2004, the JVP won 39 parliamentary seats and the JHU 9. All JHU members

initially were Buddhist monks. While the JVP refused to accept any cabinet positions, the JHU accepted political office in the Rajapaksa-led UPF administration.

ii. Section 4.4 of the CFA reads as follows: "This agreement shall remain in force until notice of termination is given by either party to the Royal Norwegian Government. Such notice shall be given fourteen days in advance of the effective date of termination."

iii. The understanding to 'explore' a federal solution was reached in December 2002 when the government and LTTE delegations met in Oslo. The official statement issued by the Norwegian government on 5 December 2002 stated as follows: "Responding to a proposal by the leadership of the LTTE, the parties agreed to explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka."

iv. Reliable indications about the LTTE's new strategic thinking are quite rare. A somewhat clear articulation is available in the statement attributed to E. Balakumar, which appeared in the pro-LTTE website, Tamilnet, in early January 2008. Balakumar's thesis may be summarized as follows: 'When the LTTE presented its proposals for a political solution, the government in Colombo and the international community did not respond to them adequately. Only the balance of power established by the developments in the battlefield have enabled the LTTE to be taken seriously. In that backdrop, the outcome of the present war will demonstrate once again that a military solution as envisaged by the Sri Lankan government would not be possible and that a new framework of political engagement would be needed.' In his annual hero's day speech made on 27, November 2007, the LTTE leader also hinted at a possible new role for the international actors in Sri Lanka after the outcome of the present phase of war. The LTTE probably thinks that under conditions of a new military stalemate on the ground, its proposal for an Interim Self-Governing Authority (ISGA), made in October 2003, would provide the basis for new phase of negotiations. The LTTE might also peruse international support for its secessionist goal if the outcome of the war favours that option.

v. The HIOEP consists of the following 11 Eminent Persons: Justice P.N. Bhagwati (India, Chairman), Judge Jean-Pierre Cot (France), Mr. Marzuki Darusman (Indonesia), Mr. Arthur E. Dewey (USA), Prof. Cees Fasseur (Netherlands), Dr. Kamal Hossain (Bangladesh), Prof. Bruce Matthews (Canada), Mr. Andreas Mavrommatis (Cyprus), Prof. Sir Nigel Radley (UK), Prof. Ivan Shearer (Australia) and Prof. Yozo Yokota (Japan).

vi. An examination of the LTTE's approach to a possible solution suggests two options: a separate state or a regional sub-state within Sri Lanka with extensive regional autonomy in a confederal framework. The LTTE seems to have been extremely cautious about the role of international actors in terms of their potential role in defining what the solution should be. On all occasions when the external actors even appeared to suggest the framework of a solution, notably in 1987-88 and 2002-2003, the LTTE has resisted the international engagement and adopted a policy of isolationism.

vii. Balachandran cites a study conducted by the Mumbai-based Strategic Foresight Group (SFG) in 2006. The SFG report says that Sri Lanka has 8,000 military personnel per one million population which is the highest among the South Asian countries. In terms of military expenditure as percentage of GDP, Sri Lanka records the highest figure in South Asia at 4.1%, whereas for Pakistan it is 3.5% and for India 2.5%. ■

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